

APPROVED: Meeting No. 36-96

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 31-96

July 22, 1996

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on July 22, 1996, at 7:33 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember Robert J. Wright

Councilmember Glennon J. Harrison

Councilmember James T. Marrinan

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Mayor Krasnow noted that the Executive Session originally scheduled to follow the evening's General Session would not be held since the matter had been sufficiently addressed in an earlier Executive Session.

Re: City Manager's Report

1. Mr. Kuckkahn thanked the Mayor and Council for their participation in sponsoring the Rotary Twilight Runfest held July 20. Montgomery County Road Runners and the Rockville Rotary were partners in the 11th annual Runfest which included over 2,100 runners. The run culminated in a celebration in the new Town Center which proved to be an ideal location. Proceeds from the run exceeded \$23,000 and will support the

Rockville Rotary Youth Scholarship Fund and other Rotary Club charities. Businesses which help to sponsor this successful event include Marlo Furniture, Congressional Oldes/Volkswagen/Mazda, Kimmel Properties, Barnett Data Systems, Rockville Printing and Graphics, the Rockville Gazette, General Electric Information Systems, Bruegger's Bakery, Shady Grove Adventist Hospital, and Racquet and Jog Sports Shop.

2. On July 19th and 20th, the Department of Public Works held an Open House to provide information and answer questions on the alternatives for upgrading the capacity of the Watts Branch Sewer Sanitary Trunk. The Open House was very well attended and staff felt it was a success. The City is examining all alternatives to expand the capacity and will be issuing a report on findings to the Mayor and Council. The findings will include the neighborhood's reaction to the study.

3. The State of Maryland has appropriated more than \$250,000 for two of the City's storm water management (SWM) projects, bringing the total SWM fund this year to \$300,000. Mr. Kuckkahn expressed appreciation to the State and Rockville's District 17 Delegation for the financial assistance. The City is also seeking citizen volunteers for its Water Quality Monitoring Program. The program will include two points on the Watts Branch Creek and two points on the Cabin John Creek. Monitors will spend approximately three hours a day, three times a year, assisting the City in this effort. The program is being organized by the Sierra Club in cooperation with the Science, Technology, and Environment Commission and the Audobon Naturalist Society.

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Interested persons should contact the Chief Engineer for Environment, Susan Straus, at 309-3320.

4. On July 24, the public is invited to come out and play at the Glenview Mansion, from 5:30 to 8:30 p.m., and to take part in carnival games, races, volleyball, moonbounce, a nature walk and exercise activities, as well as talent presentations by summer playground participants and senior center members. The program is a result of Rockville being selected as one of seven communities in the Country to serve as a national pilot to improve physical activity levels through recreation and parks activities.

5. The City has again been awarded the 1996 Dorothy Mullen Arts and Humanities Award. The award recognizes leisure service agencies who demonstrate excellence in arts and who inspire others to develop programs in their own areas. The 1996 award recognized the City's resident companies of the F. Scott Fitzgerald Theatre.

Re: Presentation of check to Mayor  
and Council by WASH FM 97.1  
for the Youth Scholarship Fund.

WASH FM Radio representatives, Susie Reynold (Marketing Development Director) and Danielle Tergis (Promotions Director) presented a check for \$2,300 representing funds raised by the radio station's sponsorship of the City's Independence Day celebration. The Mayor and Council then presented a Certificate of Appreciation to WASH FM 97.1.

Re: Citizens Forum - This time is set aside to hear from any citizen who wishes to address the Mayor and Council.

1. Dick Haight, Former Rockville Councilmember and resident commented on the downtown redevelopment plans. He distributed copies of a hand-drawn diagram which he said indicated how downtown Rockville looked before the Mall was built in 1972. Mr. Haight also commented on the proposal to bring a mini brewery into the City, which he said was a light industrial use, not a commercial use, and he suggested that the Mayor and Council not allow a manufacturing brewery. Mayor Krasnow asked that staff plan to meet with Mr. Haight to explain the current plans for restoring the downtown street grid pattern.

2. Judy Herbert, Potomac Woods resident spoke about the Council of Government's recommendation to build a storm water management facility in Potomac Woods. She inquired how the decision was made not to eliminate an active ball field which was the recommended COG location for the facility. Ms. Herbert said that the loss of trees in the proposed area would be devastating to the park. The neighborhood is not concerned with the loss of the ball field. They are concerned about the devastating loss of trees for a project that was not identified by COG to be the best solution to the problem. Ms. Herbert asked why the decision was made without input from the neighborhood.

Mayor Krasnow clarified that the City had been involved in the Cabin John Watershed study over a long period of time. The City has held many public information

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meetings and has heard from many neighborhood groups. Mr. Kuckkahn added that the actual plan for Potomac Woods had not yet been approved, and he said that before any work was done, a routine neighborhood advisory would be sent out. Mr. Kuckkahn also explained that the plan was only a concept plan; he said it did not mean that the facility is designed or ready to be bid. The concept plan allows for a process in which the neighborhood could look at and discuss the merits of the project. The Mayor and Council will offer a number of opportunities to hear neighborhood concerns before a decision is made.

Re: Appointment

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, Craig Moloney was appointed to serve on the Historic District Commission.

Re: Approval of Minutes

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, with Councilmember Marrinan abstaining as he was absent from the meeting, the Minutes of Meeting No. 25-96 (June 4, 1996) were approved as amended.

Re: Consent Agenda

Councilmember Marrinan requested the removal of Consent Agenda Item A. Upon motion of Councilmember Wright, duly seconded and unanimously passed, the following items were approved:

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- (B) Award of Contract  
To: Eastman Kodak  
Of: Arlington, VA  
In the amount of: \$25,810.00  
  
For: Contract maintenance for high volume copier.
- (C) Award of Contract for detailed engineering services  
To: Environmental Systems Analysis, Inc.  
Of: Annapolis, MD  
In the amount of: \$29,000  
  
For: Detailed engineering review for water resource items at the King Farm.
- (D) Award of Bid #7-97  
To: Hawkins Electric Company  
Of: College Park, MD  
In the amount of: \$86,935.00  
  
For: Traffic signal maintenance and modifications for FY 1997.
- Re: (A) - Approval of Electrical Services - Joint Procurement on Montgomery County Contract  
  
To: Electric Advantage  
Of: Rockville, MD  
In the amount of: \$95,000 ceiling  
  
For: Electrical maintenance service

Councilmember Marrinan asked what was the reason for the \$30,000 increase on an old contract that originally cost \$65,000. Recreation and Parks Director

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Burt Hall explained that the approval was actually for an adjustment to the contract. Last year, the award for electrical maintenance work was at the \$95,000 level. Last year there were two contracts, one with Electric Advantage, Inc. for \$65,000 and one with Kolb Electric, Inc. for \$30,000. Since the contract with Kolb Electric was subsequently not renewed by the County, the approval currently before the Mayor and Council would increase the value of the contract with Electric Advantage to last year's combined amount, \$95,000.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, an adjustment to the joint procurement on a County Contract for electrical services was approved.

Re: Discussion and Instructions to  
Staff - Text Amendment TXT96-  
0156, Mayor and Council,  
Applicant.

The Mayor and Council discussed the proposed Text Amendment to amend Section 25-18 of the Zoning Ordinance to permit monopoles that are located on City-owned property to exceed the height limit for the zone in which they are located. Mr. Greg Diamond, representing Bell Atlantic/Nynex, Mobile, explained the need for having some flexible minimum setbacks. He explained that monopoles were designed to withstand forces from extreme natural elements and that monopoles were permitted uses in Montgomery and Prince George's Counties with very little setbacks in certain commercial and industrial zones. The Mayor and Council asked that staff bring back further

information on the following issues:

- Establish a minimum set-back from the property line so that its clear that the placement of the poles can not be close to property lines, public streets, parking lots, playing fields, residential neighborhoods, etc. Staff was asked to develop some pros and cons of limited, yet some flexible setbacks (in order to not be unduly restrictive).
- What are the circumstances which could cause monopoles to fall? Are there design standards for monopoles? What are the City's requirements for other structures that the City builds? (e.g., water towers).
- What are County and city ordinance requirements for monopoles?

Regarding the issue of precedence-setting, City Attorney Paul Glasgow explained that the telecommunication law allowed the City to preserve their zoning authority and regulate the placement of such features, but it prohibited cities from acting in any manner which unreasonably discriminated against telecommunication providers or prohibited them from installing monopoles. Mr. Glasgow said that the City had the right, particularly on its own property such as the Redgate Golf Course, to decide the appropriate place to locate a structure, without setting a precedence for other telecommunication providers to locate their monopoles on the golf course. Each request and decision would stand on its own merit on a case by case basis.

Staff was asked to schedule a worksession for discussion on whether the



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City should consider a text amendment that could potentially allow monopoles in other areas. In reviewing other potential areas for monopole placements, staff should also research what the potential was for neighborhood impacts.

Re: Discussion and Instructions to Staff - Possible leasing property at the Glen Mill Water Tower site for the locating of temporary monopoles Cell on Wheels (COWS).

Mr. Kuckkahn said that American Personal Communications (APC) and Cellular One were seeking approval for the leasing of space at the Glen Mill Water Tank site to erect cell sites in the interim period of time in which the Mayor and Council approved a text amendment for permitting monopoles on City-owned property. Mr. Kuckkahn said that given the Mayor and Council's suggested timeline for having a presentation and taking action on the text amendment, the industry's request for interim leasing on the tower could be suspended. Without objection, the request was suspended, pending decision on the text amendment in September. Mayor Krasnow directed that staff inform the Mayor and Council of any requests that the City received from telecommunication companies requesting use of the public right-of-way.

Re: Discussion and Instructions to Staff - Review of text amendment proposal, to change the qualifications for members of the Sign Review Board, to eliminate the requirement that one member be a licensed

architect, and provide for an additional business person.

Councilmember Marrinan questioned the recommendation that a member be from the business community and not someone from the residential community.

(Councilmember Harrison also expressed the same concern). Mayor Krasnow suggested that the definition of architect be expanded to include professions involving landscaping or experiences with building, planning or designing. Councilmember Marrinan noted the number of architects which had applied to serve on the Historic District Commission, and he suggested that those persons be contacted to see if they were interested in serving on the Sign Review Board. Councilmember Dorsey suggested that staff study the original purpose of why the Sign Review Board was established and look at the Sign Review legislation to make sure the purpose of the Board is still being served. Mayor Krasnow asked that staff inquire whether the Board would prefer a five person board rather than one made up of three members.

Re: Introduction of Ordinance to  
Adopt Text Amendment  
Application TXT96-0155, Manor  
Healthcare Corporation,  
Applicant.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Ordinance amending the Zoning Ordinance to add a new use titled "adult day care center," to permit the use in all nonresidential zones except for C-1, C-2, and RPC, and to add a parking standard for the use, was introduced.

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Re: Adoption of Resolution to  
approve the transfer of the  
Rockville cable television  
franchise.

Resolution No. 11-96

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Resolution to transfer the Rockville cable television franchise from SBC Media Ventures, Inc. to SBC Media Ventures, L.P., was approved. A copy of Resolution No. 11-96 may be found in Resolution Book 11 of the Mayor and Council.

Re: FYI/Correspondence

1. Councilmember Harrison said that he had attended a play at the F. Scott Fitzgerald Theatre and he noted the extensive renovations being made to the theater lobby. In response to Mr. Harrison's question, Mr. Hall said that the promised completion date for the project was the first week of September. Although the contractors fell behind early in the summer, they were believed to be caught up and the entire project should be completed in time for the F. Scott Fitzgerald One Act Play on September 20th. The newly renovated theater lobby would be dedicated at that time.

2. Councilmember Wright noted the July 19 and 20 Open Houses on the Watts Branch Sanitary Sewer Alternatives Analysis. He said the City made many attempts to let citizens know about the Open House. Notifications were sent to those properties which abut or were adjacent to the stream, and he said that the Open House was publicized in the Rockville Gazette and Montgomery Journal newspapers. However, he said it was still a

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common concern that not all residents were aware of the Open House. Mr. Wright noted that the City's Web Page was very informative and the City's newsletter did appear on the Web site; he encouraged interested persons to access the City's Web page in order to obtain additional information about the Watts Branch Sanitary Sewer Alternatives analysis.

3. Councilmember Marrinan complimented staff on receiving the Dorothy Mullen Arts and Humanities Award; he noted that this award made the City eligible for a national award which will be announced during the National Recreation and Parks Association National Congress in October.

4. Mayor Krasnow congratulated Sports Specialist Lou Clark who certified 182 coaches during April 1996. Once again Rockville ranked No. 1 in the State for Youth Coach Certification. Ms. Krasnow said that it was gratifying that parents were sensitive to the coaching and training of their children and that residents take the time and appreciate the importance of becoming certified participants.

Re: New Business

1. Mayor Krasnow said that she was notified that a local Boy Scout troop was planning to take on a project on July 27th to clean up the Rockville MARC station. She said their efforts should be recognized. She thanked Troop 1450, headed by Eagle Scout Timothy Karecki.

2. Councilmember Wright stated that the Montgomery County Detention Center Reuse Task Force met three times and would be holding a worksession on July 24

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at 7:30 p.m. to provide an opportunity for residents to give input on reuse proposals.

3. Councilmember Dorsey commended members of Chase Partnership who have been working to clean up the Lincoln Park Cemetery, and he said that they planned to conduct future additional clean up projects in the Cemetery.

Mayor Krasnow noted that there were numerous individuals and groups who were interested in getting involved in volunteer community service projects in the City. She asked Mr. Kuckkahn to explore ways to tap into these resources.

Re: Adjourn

There being no further business to come before the Mayor and Council, the meeting was adjourned at 9:03 p.m., to convene again in Worksession at 7:30 p.m. on July 29, 1996, or at the call of the Mayor.